



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-3503 FAX (603) 271-5171



Pillsbury Lake Water District
Board of Commissioners
95 New Hampshire Drive
Penacook, NH 03303

Re: Pillsbury Lake/Franklin Pierce Water System
Webster, NH
EPA #2462040

**ADMINISTRATIVE ORDER
No. WD 02-04**

February 8, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to the Pillsbury Lake Water District pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Pillsbury Lake Water District is a political subdivision having a mailing address through its representative, Julia Kenney, of 95 New Hampshire Drive, Penacook, NH 03303. Julia Kenney is the designated representative of the Pillsbury Lake Water District for the purpose of water supply issues.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485 authorizes DES to regulate public water supplies. RSA 485:3 authorizes DES to adopt drinking water rules which identify contaminants which may have an adverse affect on health, which establish maximum contaminant levels that are acceptable for human consumption, which establish criteria and procedures to assure compliance with such maximum contaminant levels, and which identify criteria and standards to ensure the proper operation and maintenance of water systems. Pursuant to this authority, DES has adopted NH Admin. Rules Env-Ws 300.
2. The Pillsbury Lake Water District ("District") is the owner of a groundwater-type water system which serves approximately 40 service connections in the community of Webster, NH, identified as EPA # 2462040 ("Water System"). The Water System is a community water system as defined in RSA 485:1-a, I and Env-Ws 302.02(i).
3. Env-Ws 381 requires all community water systems to monitor for lead and copper.
4. Env-Ws 381.02(l) defines a "small water system" for the purpose of Env-Ws 381 as a water system that serves 3,300 persons or fewer. The Water System is classified as a small water system.

5. Env-Ws 381.17 requires a water system serving less than 100 people to submit one lead and copper sample from five monitoring sites during each monitoring period.
6. Env-Ws 381.18 requires a small water system to begin initial monitoring for lead and copper by submitting lead and copper tap water samples during two consecutive six-month monitoring periods.
7. The Water System submitted the appropriate number of lead and copper tap water samples during the two six-month monitoring periods. All samples submitted met the lead and copper action levels.
8. Env-Ws 381.21 requires a small water system, upon completion of the two initial rounds of monitoring in which the samples meet the lead and copper action levels, to submit one lead and copper sample from five monitoring sites annually for three subsequent years.
9. The Water System submitted the proper number of annual samples for the subsequent three years during which the Water System was required to monitor. All rounds met the lead and copper action levels.
10. Env-Ws 381.21 requires a small water system, upon completion of the three years of annual monitoring, to submit one lead and copper sample from five monitoring sites for analysis once every three subsequent years.
11. By letter dated February 1, 2000, DES notified the Water System that it was due to collect its first triennial round ("Round 6") of lead and copper samples during calendar year 2000.
12. The Water System failed to submit the Round 6 lead and copper samples.
13. On or about February 26, 2001, a Letter of Deficiency ("LOD") was issued to the Water System. The LOD requested the Water System submit Round 6 lead and copper water samples to the state laboratory or a state-certified laboratory by March 31, 2001.
14. The LOD was received by the Water System as evidenced by the signed postal receipt.
15. DES has no record of the requested response to the February LOD.
16. By letter dated May 11, 2001, the Water System was notified that DES still had not received the Round 6 lead and copper samples and was asked to submit the samples immediately.
17. On May 15, 2001, Kevin Muzzey, the certified operator for the Water System, called DES and left a voice mail message stating that he received the "Final Reminder Letter" and that he would collect the lead and copper water samples "this week."
18. DES has no record that the Round 6 lead and copper samples were submitted to the state laboratory or a state-certified laboratory for analysis.

19. On June 18, 2001, and on September 24, 2001, staff left messages for Mr. Muzzey to telephone DES.

20. To the knowledge of DES, Mr. Muzzey did not return the telephone calls.

21. To date, Round 6 lead and copper samples have not been submitted for analysis.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated NH Admin. Rule Env-Ws 381.21 by failing to submit Round 6 lead and copper samples for analysis.

2. As owner of the Water System, the Pillsbury Lake Water District is responsible for the violation noted herein.

E. ORDER

Based on the above findings, DES hereby orders the Pillsbury Lake Water District as follows:

1. Within 20 days of the date of this Order, submit five lead and copper tap water samples to a laboratory certified to perform lead and copper analysis. Within 10 days of analysis, submit lead and copper results to DES.

2. Within 20 days of the date of this Order, notify water consumers of the failure to sample for lead and copper tap water samples in 2000 in accordance with Env-Ws 351.

3. Within 30 days of the date of this Order, submit proof of public notice above to DES

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

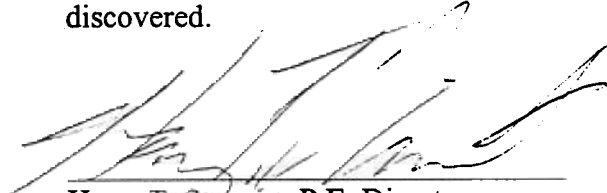
Linda Magoon
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Voice: (603) 271-0672
Fax: (603) 271-3490

F. APPEAL

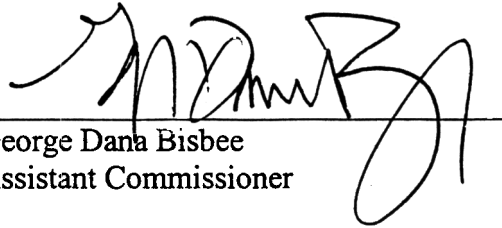
Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Pillsbury Lake Water District of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Pillsbury Lake Water District remains obligated to comply with all applicable requirements, in particular the need to submit required lead and copper samples and to comply with applicable drinking water statutes and rules. DES will continue to monitor the Pillsbury Lake Water District's compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Harry T. Stewart, P.E. Director
Water Division



George Dana Bisbee
Assistant Commissioner

Certified Mail/RRR: 7099 3400 0002 9772 0049

cc: Michael Moore, Pillsbury Lake Water Commissioner
Marilyn Plourde, Pillsbury Lake Water Commissioner
Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
NH AGO
Webster Board of Selectmen
Kevin Muzzey, Certified Operator
US EPA, Region 1